

Message Text

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ACTION L-03

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E.O. 11652: N/A
TAGS: CBRS, PDIP, TH, US
SUBJECT: AMENDMENTS TO THAI-US EXTRADITION TREATY

RES: (A) STATE 147477 (B) STATE 12851
(C) BANGKOK 14489 (D) 77 STATE 179937

1. EMBOFFS CALLED ON MFA OFFICIALS JUNE 13 FOR A FURTHER DISCUSSION OF THE PROPTSED DRAFT SUPPLEMENTARY CONVENTION TO THE EXTRADITION TREATY AND OF DEPT. ANSWERS TO QUESTIONS RAISED IN MAY 19 MEETING (SEE REF B). MFA OFFICIALS ARE STILL SOMEWHAT DOUBTFUL OF THE REASONING BEHIND USG REQUEST TO AMEND TREATY TO INCLUDE ARTICLE II, PARA (3), BUT DEPT. ANSWERS TO THEIR QUESTIONS HAVE DONE MUCH TO EASE THEIR PREVIOUS APPREHENSIONS. EMBOFFS WILL DISCUSS FURTHER WITH THEM INCLUSION OF ART. II, PARA.3.

2. DEPT. PROVISION "THAT EXTRADITION SHALL ALSO BE GRANTED FOR THE ATTEMPT TO COMMIT AN OFFENSE; CONSPIRACY TO COMMIT AN OFFENSE; OR THE PARTICIPATION IN THE EXECUTION OF AN OFFENSE" PUT FORTH IN REF A, PARA 5 IS GENERALLY ACCEPTABLE TO MFA OFFICIALS. THEY, HOWEVER, REQUEST CLARIFICATION OF DEPT. USE OF THE TERM "CONSPIRACY". UNDER THAI LAW CONSPIRACY TO COMMIT A CRIME IS NOT PUNISHABLE IF THE CRIME IS NOT COMMITTED. IF THE CRIME IS COMMITTED, A CO-
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CONSPIRATOR IS CONSIDERED TO BE A CO-PARTICIPANT. DOES DEPT. USE OF THE TERM "CONSPIRACY" REFER TO A PERSON WHO CONSPIRES WITH OTHERS TO COMMIT A CRIME BUT WHO DOES NOT ACTUALLY PARTICIPATE IN THE SUCCESSFUL EXECUTION OF THE CRIME OR DOES IT REFER TO A CASE IN WHICH TWO OR MORE PERSONS CONSPIRE TO COMMIT A CRIME BUT FOR SOME REASON ARE UNABLE ACTUALLY

TO COMMIT THE CRIME.

3. IF THE FORMER DEFINITION APPLIES, MFA OFFICIALS
HAVE NO RPT NO OBJECTION TO DEPT. WORDING. USE OF
THE TERM "CONSPIRACY" SHOULD, HOWEVER, BE CLARIFIED
WITHIN THE BODY OF THE PROPOSED AMENDMENT. IF THE
LATTER DEFINITION IS APPLICABLE, MFA OFFICIALS WOULD
HAVE TO REJECT PROPOSED WORDING. CONSPIRACY, SO
DEFINED IS NOT A CRIME UNDER THAI LAW, UNLESS THAI
LAW IS CHANGED, A MATTER ON WHICH THAI POLICE AND JURISTS

HAVE CONSIDERABLE RESERVATIONS.

4. WILL ADVISE DEPT. OF FURTHER DEVELOPMENTS.
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